

### REMARKS

The foregoing amendments are responsive to the Office Action mailed on October 20, 2005. Claims 1-20 are now pending in this application. By the foregoing amendments, the specification and claims 1-20 have been amended. Support for the amendments can be found inter alia, throughout Applicants' specification, such as paragraphs [0052 through [0061], particularly [0061]. Thus, Claims 1-20 are presented for examination.

Also, a petition to extend the prosecution for three months and the appropriate fee accompanies this communication.

### Discussion of the Office Action

In the Office Action of October 20, 2005, the Examiner rejected claims 1-20 under 35 U.S.C. §112, 2<sup>nd</sup> paragraph; under 35 U.S.C. §102(b); and under 35 U.S.C. §103(a).

### Discussion of Rejection of Claims 16 and 19 under 35 U.S.C. §112, 2<sup>nd</sup> paragraph

Claims 16 and 19 stand rejected under 35 U.S.C. 112, 2<sup>nd</sup> paragraph, as being indefinite for including the trademark name Teflon<sup>®</sup> rather than its chemical name polytetrafluoroethylene, as suggested by the examiner. Applicants have amended the claims to include the chemical name. As presently claimed, one of ordinary skill in the art can readily determine the metes and bounds of claims 16 and 19, and accordingly, the claims are submitted as being definite and such rejection thereof should be withdrawn.

Discussion of Rejection of Claims 1-3, 5-14, 17 and 20 under 35 U.S.C. §102(b)

Claims 1-3, 5-14, 17 and 20 stand rejected under 35 USC 102 as being anticipated by Farmer (US Patent No. 5,425,858) (herein referred to as "Farmer").

In the cited reference, i.e., Farmer, any disclosure to alternating polarities of cells during an electrostatic method for both fluid deionization and electrode regeneration relates to a first step of deionizing a fluid containing ions at a given polarity, such as a positive polarity, then interrupting the deionization step to regenerate electrodes at either a shorted or opposite polarity, and then resuming a second step of deionizing additional fluid at the same polarity as in the first step of deionization, e.g., a positive polarity. The apparatus and system of Farmer fails to disclose structures that are adapted to achieve, or are capable of, continuous output of the deionized fluid. For ease of understanding, Applicants invite the Examiner to see paragraphs [0052] through [0061], and particularly [0061], of Applicants' specification wherein the apparatus and system of Applicants' Figure 3, can be distinguished from the systems of the cited Farmer reference. With respect to an apparatus and system operating at a given polarity during deionization steps--as noted in Farmer at columns 14 through 16, the Farmer Figure 5 can be readily distinguished from Applicants' Figure 3.

The electrostatic apparatus of the claimed system is adapted to continuously deionize a fluid comprising ions and continuously regenerate electrodes in order to achieve a continuous deionized fluid output. Such is achieved by (1) passing the fluid through a battery of cells to deionize the fluid --while operating at a positive polarity--, (2) interrupting the deionization step to electrostatically regenerate, and (3) passing an additional portion of the fluid through the battery while operating --at a negative polarity--to deionize the additional portion of fluid. Thus, the system of the invention includes an electrical circuit adapted for alternation of the polarity in the deionization steps on a continuous basis and a fluid circuit adapted for regulating the fluid flow for

both deionization and regeneration purposes on a continuous basis. Accordingly, the cited references do not substantially disclose or suggest the claimed invention and the anticipation rejections are requested to be withdrawn.

Furthermore, the cited reference does not suggest any apparatus and system for the alternating of deionization steps. Even by some stretch of the imagination that the Examiner could maintain a prima facie case of obviousness in view of the cited reference (which cannot be established), Applicants invite the examiner to see the discussion of page 33-34, Table 1, and pages 38-40, where it is illustrated that the alternating nature of the polarities of the deionization steps utilizing the inventive electrostatic system provide remarkably better results than those of a system where no apparatus is utilized for alternation of deionization steps. Accordingly, Applicants submit that no obviousness rejection can be established in view of the cited reference and any such rejection would have no merit.

#### Discussion of Rejection of Claims 4 and 15-19 under 35 U.S.C. §103(a)

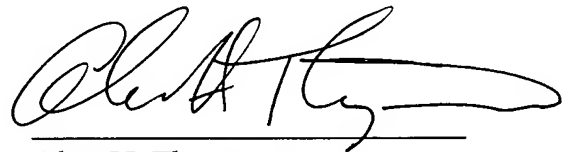
Claim 4 stands rejected under U.S.C. 103(a) as being unpatentable over Farmer, and claims 15-19 being unpatentable over Farmer in view of Yeh et al (US 4,683,648. In light of Applicants' above arguments and such amendments to claims 1 and 8, Applicants submit that such rejections should be withdrawn.

Summary

Applicants respectfully submit that Claims 1-20 are in condition for allowance, and Applicant respectfully requests allowance of Claims 1-20.

In the event that the Examiner finds any remaining impediment to the prompt allowance of these claims that could be clarified with a telephone conference, he is respectfully requested to initiate the same with the undersigned at (925) 422-7820.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Alan H. Thompson', written over a horizontal line.

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Dated: April 20, 2006